

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-26 are pending in the present application, with claims 1, 16, and 17 being independent. Claims 2-4 and 9-15 have been withdrawn from reconsideration, but will be rejoined upon allowance of their base claim. Claims 18-26 have been added by this amendment, which do not add any subject matter.

Claim Rejections Under 35 USC §102

The Examiner rejected claims 1, 5-8, and 16-17 under 35 USC 102(e) as being anticipated by Suzuki et al. (US Patent No. 6,535,558). This rejection is respectfully traversed insofar as it pertains to the presently pending claims.

First, Applicants would like to note that the present invention is directed to a device and method that codes an image signal, whereby the image signal is required to be decoded at a set frame rate of 30 frames/second, as in, for example, MPEG 2. If the device receives an image signal that is, for example, 30 frames/second, then 6 frames are excluded, and information pertaining to which of these frames were excluded, is included into the encoded image signal, which is then used in decoding the coded image signal.

As alluded to above, the Examiner alleges that Suzuki et al. teaches each of the features of the elected independent and dependent claims. In particular, the Examiner states that Suzuki et al. teaches these features in column 14, lines 1-15; col. 15, lines 5-15 and 15-25; col. 16, lines 5-15; col. 19, lines 60-67; and col. 20, lines 6-65. Applicants respectfully disagree.

More specifically, Applicants respectfully submit that Suzuki et al. fails to teach at least

an input image controller that executes a predetermined processing to an input motion image signal for reducing the amount of coded data, whereby a coded method requires that a coded image signal has a constant frame rate upon decoding, as recited in the independent claims. In fact, Suzuki contains absolutely no teaching as to whether or not an encoded signal has a constant frame rate upon decoding as is recited by the independent claims of the present application. Therefore, Suzuki et al. cannot anticipate the claims.

Dependent claims 5-8 and new claims 18-26 should be considered allowable at least for depending from an allowable base claim.

Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

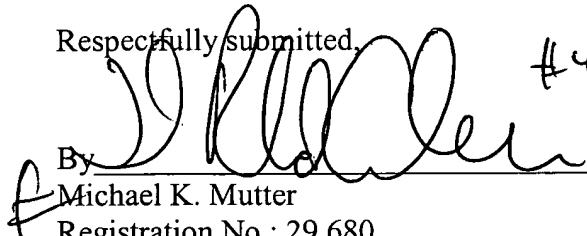
In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin Geissler (Reg. 51,011) at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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